

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

In Re:

Harold Albertson

Case No. 2:13-bk-20455

Debtor.

Amity Real Estate, Ltd.

Plaintiff,

v.

AP No. 2:14-ap-2004

Harold Albertson,

Defendant.

**ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

On the 11<sup>th</sup> day of September, 2014, came Plaintiff filing its Motion for Summary Judgment against Defendant Harold Albertson. After careful review and consideration of the Motion, the Court finds the following:

Given the testimony from Defendant in the hearings before this Court stating under oath he did not want the debt discharged against Plaintiff, Plaintiff is requesting this Honorable Court grant Summary Judgment in favor of Plaintiff for the debt due, and to lift the automatic stay to collect such debt through foreclosure of the collateral held on each Deed of Trust signed in agreement by Defendant.

In light of Plaintiff's Motion this Court hereby ORDERS and ADJUDGES that Summary Judgment is appropriate due to "the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). Following the applicable Code and this Rule along with the Defendant's own admissions to owing the debt and not wanting the debt to be discharged, Summary Judgment is appropriate in this matter.

WHEREFORE, this Court GRANTS Plaintiff's Motion for Summary Judgment, that the debt owing from Defendant to Plaintiff, be excepted from discharge pursuant to provision of U.S.C. §523(a)(2)(A), that the Plaintiff be awarded judgment against Defendant in the amount of \$402,362.25 as of September 5, 2013, which an itemization is found in Exhibits F-J of Plaintiff's Disclosures filed May 28, 2014, and that the automatic stay be modified or lifted pursuant to U.S.C. §362(c) and that the Plaintiff may commence judgment enforcement proceedings against Defendant.

The Clerk of this Court is directed to send a copy of this Order to the attorney for the Plaintiff and Defendant (pro se) at the last known address of record.

ENTERED this \_\_\_\_ day of \_\_\_\_\_, 2015

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Judge Ronald G. Pearson



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